

REMARKS

Claims 1-8, 11-20, 25-27 and 31-33 are pending in the present application.

Claims 1, 20 and 25 were amended herein.

Reconsideration of the claims is respectfully requested. The Applicants make the aforementioned amendments and subsequent arguments to place this application in condition for allowance. Alternatively, the Applicants make these amendments and offer these arguments to properly frame the issues for appeal.

35 U.S.C. § 103 (Obviousness)

Claims 1-8, 11-17, 19-20, 25-27 and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,745,643 to *Mishina* in view of U.S. Patent No. 5,592,450 to *Yonemitsu* and further in view of U.S. Patent No. 5,262,875 to *Mincer*. Claims 18 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mishina* in view of *Yonemitsu* and *Mincer*, and further in view of U.S. Patent No. 5,642,171 to *Baumgartner et al.* These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July 2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in

the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008); MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second, there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Independent claims 1, 20 and 25 have been amended to recite a video application program interface providing data for presenting a list of the one or more files to a user and enabling the user to select from among the one or more files. Such a feature is not found in the cited references.

Therefore, the rejection of claims under 35 U.S.C. § 103 has been overcome.

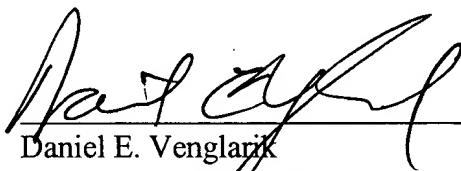
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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